

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

TRANSCANADA KEYSTONE XL  
PIPELINE, LP and TC OIL PIPELINE  
OPERATIONS INC.,

*Plaintiffs,*

v.

JOHN F. KERRY, Secretary of the  
Department of State; LORETTA E.  
LYNCH, Attorney General of the United  
States; JEH CHARLES JOHNSON,  
Secretary of the Department of Homeland  
Security; and SALLY JEWELL, Secretary  
of the Department of the Interior,

*Defendants.*

No. 4:16-cv-00036

**DEFENDANTS' MOTION TO DISMISS OR,  
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendants hereby move to dismiss this action for failure to state a claim upon which relief can be granted. In the alternative, defendants move pursuant to Fed. R. Civ. P. 56(a) for summary judgment. The grounds for defendants' motion are set forth in the attached supporting memorandum.

Dated: April 1, 2016

Respectfully submitted

BENJAMIN MIZER  
Principal Deputy Assistant Attorney General

KENNETH MAGIDSON  
United States Attorney

JOSEPH H. HUNT  
Branch Director  
Federal Programs Branch

ANTHONY J. COPPOLINO  
Deputy Director  
Federal Programs Branch

/s/ Jean Lin

JEAN LIN, Attorney in Charge  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 1, 2015, I electronically filed a copy of the foregoing. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Jean Lin  
JEAN LIN